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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,553	09/30/2003	Andrew Maendel	85321-102 ADB	6468
23529	7590	07/08/2004	EXAMINER	
ADE & COMPANY 1700-360 MAIN STREET WINNIPEG, MB R3C3Z3 CANADA			VALENTI, ANDREA M	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

**Application No.**

10/673,553

**Applicant(s)**

MAENDEL, ANDREW

**Examiner**

Andrea M. Valenti

**Art Unit**

3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Claim Objections*

Claim 13 is objected to because of the following informalities:

Claim 13, it appears that this claim should depend from claim 1 not claim 1, so 'according to claim 1' should be changed to --according to claim 11--

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-13, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,905,313 to Grether.

Regarding Claims 1 and 11, Grether teaches an apparatus and method with a vehicle (Fig. 1) a support (#84 and 86) on the vehicle for receiving a roll of a sheet material such that the roll can dispense the sheet material as a strip laid onto the floor as the vehicle is moved across the floor; a hopper (#94) on the vehicle for receiving a feed material; and a dispensing nozzle (#100 and #98) of the hopper arranged for dispensing a layer of the feed material onto the strip after the strip is laid as the vehicle is moved forwardly.

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Regarding Claims 2 and 12, Grether teaches the nozzle is elongate extending across the width of the strip of sheet material so as to deposit feed material substantially across full width (#100 and #98).

Regarding Claims 3 and 13, Grether inherently teaches the nozzle is arranged relative to the strip such that the nozzle leaves spaces free from the feed at the side edges of the strip (Fig. 4).

Regarding Claim 6, Grether teaches the support for the roll is mounted on the vehicle in front of the hopper (Fig. 4 #86 and 94).

Regarding Claim 7, Grether teaches the support for the roll is raised from floor (Fig. 4 #84).

Regarding Claim 8, Grether teaches the vehicle has ground wheels for supporting the hopper (#112).

Regarding Claim 9, Grether teaches the ground wheels are arranged on either side of the strip (Fig. 1 #112).

Regarding Claim 10, Grether teaches the vehicle is a trailer arranged to be towed (Fig. 1 #10).

Regarding Claim 17, Grether teaches the strip is laid flat on the floor and held in place solely by the feed material laid thereon (Fig. 4).

Regarding Claim 18, Grether teaches the feed is applied in a layer of constant thickness substantially across the full width of the strip leaving inherently a band at each edge of the strip which is free from the feed (Fig. 4 #96).

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,905,313 to Grether in view of U.S. Patent No. 6,058,860 to Kinkead et al.

Regarding Claims 4, 5, 14, 15, and 16, Grether is silent on the nozzle including a shut-off valve for closing off feed when the vehicle is halted and the shut-off valve has a closure plate underneath the nozzle operable by a lever. However, Kinkead teaches a feed hopper attached to a trailer with a shut off valve (Kinkead #204 and 177). It would have been obvious to one of ordinary skill in the art to modify the teachings of Grether with the teachings of Kinkead at the time of the invention to provide and ergonomic means to control the release from the hopper to prevent wasting material with an undesirable release.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


European Patent EP 628245; U.S. Patent No. 6,286,253; U.S. Patent No. 3,751,821; U.S. Patent No. 6,606,966; and U.S. Patent No. 3,903,816.

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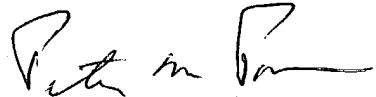
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrea M. Valenti  
Examiner  
Art Unit 3643

8 June 2004

  
Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600